

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: John F. Pavley et al.

Examiner: Steven Paul Sax

Serial No. 11/963,018

Art Unit: 2174

Filed: 12/21/2007

Attorney Docket No. 1104-040A

For: METHOD AND APPARATUS FOR EDITING HETEROGENEOUS MEDIA  
OBJECTS IN A DIGITAL IMAGING DEVICE

**DECLARATION OF COLEEN GARLINGTON**

I, Colleen Garlington, declare under penalty of perjury that the following statements are true:

1. I am a partner at Kirkland & Ellis LLP and currently serve as outside counsel for Apple Inc. ("Apple") in connection with this matter.
2. This Declaration is based on my personal knowledge and/or information provided to me by Apple employees at my request.
3. Apple has been informed that the following documents and expert reports, produced under and/or subject to a protective order in ITC Investigation 337-TA-726, were erroneously disclosed by counsel for FlashPoint Technology Inc. ("FlashPoint") in public filings:

<b>Document Title</b>	<b>Bates Range</b>
Venus Product Intro. Plan	726-Apple0006437-86
Underwriters Laboratories Inc., Test Report	726-Apple0006760-847
Aspen Digital Electronic Camera, Engineering Requirement Specification	726-Apple0020516-31
QuickTime™ Image Capture User Interface Specification for Macintosh	726-Apple0025656-74
Phobos Digital Electronic Camera, Engineering Requirement Specification	726-Apple0028579-95
QuickTake 100/Venus/DS205AA Validation Test Report With Data	726-Apple0033655-735
Nimbus QuickTake 150 Transition Binder	726-Apple0036033-40
Apple Quick Take 100 Digital Camera for Windows	726-Apple0036207-17
Venus Digital Electronic Camera, Engineering Requirement Specification	726-Apple0036401-450
QuickTime Image Capture Application Interface Specification for Macintosh and Windows	726-Apple0044443-78
Apple Corporate Development Group, Apple Imaging Group, FlashPoint Decision Request	726-Apple0048647-49

Apple Image Capture Platform Motivation	726-Apple0048650-52
Expert Report of Mr. Kiet Tran, Investigation No. 337-TA-726	N/A
Expert Report of Dr. Castleman, Investigation No. 337-TA-726	N/A
Expert Report of James L. Olivier, Investigation No. 337-TA-726	N/A

4. I am counsel for Apple in litigation matters where the documents listed above were produced on a confidential basis under a protective order. To my knowledge, aside from the aforementioned erroneous disclosure by counsel for FlashPoint, these documents have not otherwise been made public.

Executed this 28th day of December 2012




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*Counsel for Apple Inc.*

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